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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DEVANTE B. HARRIS,

12
13 Plaintiff,

14 vs.

15 M. DOLANTO,

16 Defendant.
17

1:20-cv-00042-GSA-PC

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS BE DENIED
(ECF No. 2.)**

OBJECTIONS, IF ANY, DUE IN 14 DAYS

18 **I. FINDINGS**

19 Devante B. Harris ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights
20 action pursuant to 42 U.S.C. § 1983. On January 8, 2020, Plaintiff filed the Complaint
21 commencing this action, together with a motion to proceed *in forma pauperis* pursuant to 28
22 U.S.C. § 1915. (ECF Nos. 1, 2.)

23 In his motion to proceed *in forma pauperis*, Plaintiff reports that he received \$52,000.00
24 in lawsuit settlements in the last twelve months. (ECF No. 2 at 1.) Plaintiff's prison trust account
25 statement shows that on January 7, 2020, he had a balance of \$39,183.65 in the account. (ECF
26 No. 6 at 3.) Under these facts, the court finds that Plaintiff can afford the \$400.00 filing fee for
27 this action. Therefore, Plaintiff's motion to proceed *in forma pauperis* should be denied, and
28 Plaintiff should be required to pay the statutory filing fee of \$400.00 for this action in full.

1 **II. RECOMMENDATIONS AND CONCLUSION**

2 Based on the foregoing, IT IS HEREBY RECOMMENDED that:

- 3 1. Plaintiff's motion to proceed *in forma pauperis*, filed on January 8, 2020, be
4 DENIED; and
5 2. Plaintiff be required to pay the \$400.00 filing fee for this action in full.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**
8 **(14) days** after the date of service of these findings and recommendations, Plaintiff may file
9 written objections with the court. Such a document should be captioned "Objections to
10 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
11 objections within the specified time may waive the right to appeal the District Court's order.
12 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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14 IT IS SO ORDERED.

15 Dated: February 7, 2020

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE